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7-17-1974

Narcotics And Dangerous Drugs

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OFFICE OF THE ATTORNEY GENERAL

Department of Justice

555 CAPITOL MALL, SUITE 550
SACRAMENTO 95814

July 16, 1974

Honorable Edmund G. Brown, Jr.
Secretary of State
111 Capitol Mall
Sacramento, California 95814

Re: Initiative - Constitutional Amendment
Narcotics and Dangerous Drugs

Dear Mr. Brown:

Pursuant to the provisions of section 3507 of the Elections Code, you are hereby informed that on this day we mailed to Mr. Patrick H. O'Shaughnessy and Ms. Bunny Roth, as proponents, the following title and summary:

NARCOTICS AND DANGEROUS DRUGS. INITIATIVE CONSTITUTIONAL AMENDMENT. Provides that any medical doctor may prescribe, for patient with drug problem, any substance, including heroin, LSD and marijuana, possession of which was heretofore prohibited by law. No prescription shall be for more than 90 days nor provide more dosages than needed for 3 days. Every patient receiving such prescription shall surrender privilege to drive motor vehicle during period for which prescription is written. Creates Department of Revenue which shall exclusively regulate, manufacture and distribute all substances prescribed. Purchase price of substance shall be at cost. Indigents may receive substance free. If the proposed initiative is adopted, undefined additional financing from state sources will be required in excess of \$1,000,000 annually.

Enclosed herewith is a declaration of mailing thereof, and a copy of the proposed measure.

Very truly yours,

EVELLE J. YOUNGER
Attorney General

J. M. SANDERSON
Deputy Attorney General

JMS:PH
Encs.

FILED

In the office of the Secretary of State
of the State of California

JUL 17 1974

EDMUND G. BROWN Jr., Secretary of State

By *Cashmere M. Apperson*
Deputy Secretary of State

DECLARATION OF SERVICE BY MAIL

I, Pauline Hutson, declare as follows:

I am a citizen of the United States, over the age of 18 years and not a party to the within action; my place of employment and business address is: 555 Capitol Mall, Suite 550, Sacramento, California 95814.

On July 16, 1974, I served the attached Letter to Secretary of State in re the title and summary and the proposed initiative.

by placing a true copy thereof in an envelope addressed to the persons named below at the address set out immediately below each respective name, and by sealing and depositing said envelope in the United States Mail at Sacramento, California, with postage thereon fully prepaid. There is delivery service by United States Mail at each of the places so addressed, or there is regular communication by mail between the place of mailing and each of the places so addressed:

Mr. Patrick H. O'Shaughnessy
76 Third Street, No. 725
San Francisco 94103

Ms. Bunny Roth
317 Tenth Street
San Francisco, CA

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 16, 1974, at Sacramento, California 95814.


/s/ Pauline Hutson
Declarant

1 CALIFORNIA FOUNDATION FOR ECONOMIC JUSTICE
2 76 Third Street #725
3 San Francisco, California 94103
4 Telephone: (415) 362-9210
5

6 REQUEST TO THE ATTORNEY GENERAL FOR TITLE
7 AND SUMMARY OF PROPOSED INITIATIVE MEASURE
8
9

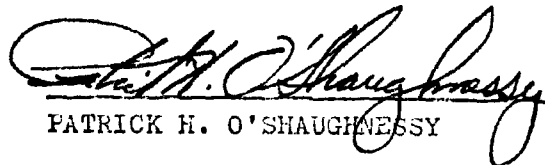
10 TO THE ATTORNEY GENERAL OF CALIFORNIA:
11

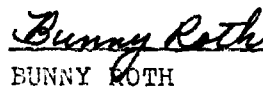
12 We, the undersigned, being the proponents of the attached
13 initiative measure, hereby submit the draft of the measure and
14 request that you prepare a title and a summary of its principal
15 points and purposes.

16 The foregoing is submitted pursuant to Article IV, Section
17 1 of the Constitution of the State of California.
18

19 Dated: March 22, 1974.

20
21 Signed:


PATRICK H. O'SHAUGHNESSY

22
23
24
25
26 
27 BUNNY ROTH
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29
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31
32

1
2 INITIATIVE MEASURE TO BE SUBMITTED
3 DIRECTLY TO THE ELECTORS
4
5

6 Proposed Amendment
7 To The
8 CONSTITUTION OF THE STATE OF CALIFORNIA
9

10 ARTICLE XXIA
11

12 It is recognized that the unlawful use of narcotics and
13 other controlled substances has reached unmanageable proportions
14 within this State; that the cost of acquiring such substances
15 through unlawful sources is several hundred dollars a week to the
16 person using them; that this high cost has clearly become the
17 cause of innumerable crimes of violence causing property losses
18 of many millions of dollars within this State each year as well
19 as being the cause of thousands of bodily injuries suffered by
20 the victims of such crimes;

21 It is further recognized that the penal methods heretofore
22 employed to abate the drug problem within this State have been
23 unsuccessful and that unrestricted medical attention and treat-
24 ment now show themselves to be the better course toward eliminat-
25 ing drug abuse.

26 In accordance with the foregoing, it is now enacted:
27

28 Section 1. When any medical doctor who is licensed by
29 this State to prescribe any controlled pharmaceutical substance
30 diagnoses that a patient who has consulted him because of a drug
31 problem does in fact suffer from such a problem, the doctor may
32 in connection with the patient's treatment lawfully prescribe the

1 ingestion of any substance, including heroin, LSD and marijuana,
2 the possession of which was heretofore made criminally punishable
3 under Division Ten of the Health and Safety Code or by any other
4 provision of law. The doctor may further prescribe that the pa-
5 tient possess and use such equipment for ingestion of the prescri-
6 bed substance as the doctor may deem appropriate. But no prescri-
7 ption written upon authority of this Article shall be good for
8 more than ninety days, though subsequent prescriptions may issue
9 without restriction if the prescribing doctor deems continued use
10 of the substance to be in the patient's best interest.

11
12 Section 2. Every patient for whom a substance is prescrib-
13 ed pursuant to this Article shall be required to surrender his
14 privilege to drive a motor vehicle during the period for which the
15 prescription has been written. The patient shall appear in person
16 at an office of the Department of Motor Vehicles and shall both
17 surrender his driver's license if he possesses one and also give
18 his written declaration under penalty of perjury that he is not
19 licensed to drive a motor vehicle in any other State. Upon satis-
20 faction of the foregoing requirements the Department shall on the
21 same day issue to the patient its certification that he has satis-
22 fied the conditions imposed by this Section.. But the patient's
23 compliance with these provisions shall not become part of his per-
24 manent record within the files of the Department of Motor Vehi-
25 cles, nor may it be later used in evaluating his fitness to re-
26 acquire his driving privilege. Nor may a patient's complying with
27 the requirement of this Section be communicated to any insurance
28 company.

29
30 Section 3. Prescriptions written upon authority of this
31 Article shall be filled only by public employees of this State
32 under rules to be formulated by the State Department of Revenue,

1 the establishment of which Department is hereinafter provided.
2 The Department shall exclusively regulate the manufacture and dis-
3 tribution of all substances prescribed under authority of this
4 Article and shall deliver to the speaker of the Assembly and to
5 the president pro tempore of the Senate a daily report specifying
6 the quantity of each substance manufactured upon that day; the
7 quantity of each substance distributed that day to each patient
8 and disclosing the patient's name and address; and an inventory of
9 each substance held for future distribution. The Department shall
10 determine the purchase price of each substance, which price shall
11 not be more than the cost of its manufacture and distribution,
12 but if a patient cannot pay this amount because of his poverty he
13 may make a declaration of indigence and if the declaration would
14 be sufficient to excuse payment of the filing fee in a civil act-
15 ion the patient shall receive the substance free of cost.

16
17 Section 4. No medical doctor who prescribes any sub-
18 stance pursuant to this Article shall be either criminally or civ-
19 ily liable for his act, either to the patient or to a third par-
20 ty, upon any theory of recovery. Nor may the act of prescribing
21 be placed in question by any administrative agency of this State,
22 including the Board of Medical Examiners or any committee of the
23 Board. But in the case of a patient who is under the age of
24 eighteen years prescription shall require written consent of the
25 patient's parent or guardian.

26
27 Section 5. It shall be the duty of the Department of Rev-
28 enue to petition the Congress of the United States that Congress
29 enact legislation exempting any substance manufactured or distri-
30 buted under authority of this Article from taxation under the laws
31 of the United States, and for legislation exempting any person
32 engaged in any act authorized by this Article from criminal

1 liability under any Federal law.

2

3 Section 6. There is hereby established the Department of
4 Revenue of the State of California. The Department shall be in
5 the charge of seven directors and shall function in accordance
6 with the following provisions:

7 (a) Beginning with the general election of November 1974
8 each of the Department's directors shall be elected at large and
9 the election shall be non-partisan. Each director shall serve for
10 six years, but the first seven directors shall serve their first
11 terms as follows: The three directors receiving the largest num-
12 ber of votes shall serve for six years; the two directors receiv-
13 ing the smallest number of votes shall serve for two years; and
14 the two remaining directors shall serve for four years. Each
15 director shall be compensated at the annual rate of thirty-seven
16 thousand dollars (\$37,000.00).

17 (b) The Department shall have its headquarters in San
18 Francisco and shall maintain additional offices in such places as
19 the directors may deem expedient to the Department's business.

20 (c) From among their number the directors shall annually
21 select the Department's chairman, and the directors shall formally
22 convene no less frequently than three times in each month. The
23 proceedings of the Department shall conform to all requirements
24 prescribed for an administrative agency as such requirements are
25 set forth in the Government Code, and the Department shall formu-
26 late rules concerning all matters placed within its administrative
27 jurisdiction.

28 (d) The directors of the Department shall in their discre-
29 tion select the following officers, each of whom shall serve in
30 the pleasure of the Department:

31 1. A Clerk of the Department, who shall be its chief exe-
32 cutive officer, at an annual compensation of thirty-two thousand

1 dollars (\$32,000.00);

2 2. A General Counsel, who shall have charge of the Depart-
3 ment's legal business, at an annual compensation of thirty-two
4 thousand dollars (\$32,000.00);

5 3. A Medical Superintendent, who shall be a medical doc-
6 tor and in charge of the chemical processing of substances to be
7 distributed under the authority of this Article, at an annual
8 compensation of thirty-two thousand dollars (\$32,000.00);

9 4. Each director shall select his administrative assist-
10 ant at an annual compensation of twenty thousand dollars
11 (\$20,000.00), and a personal aide at an annual compensation of
12 seventeen thousand dollars (\$17,000.00).

13 (e) Unless otherwise expressly provided by statute all
14 other administrative officers and employees of the Department
15 shall be recruited as follows:

16 1. The Department shall advise the Legislature of the num-
17 ber of administrative officers and employees it seeks to employ,
18 and shall classify each category of employment and recommend the
19 compensation for each classification;

20 2. The Legislature shall by enactment independently pro-
21 vide the classification of each such officer or employee, the
22 number of persons which the Department may cause to be recruited
23 within each classification, and the compensation for each classi-
24 fication of employment. But no administrative employee shall be
25 compensated at less than seven hundred dollars (\$700.00) per month.

26 3. The recruitment and selection of personnel shall be
27 conducted by the State Personnel Board according to qualifying
28 standards to be prescribed by the Department of Revenue. While
29 the Department may limit eligibility to persons having work ex-
30 perience in the applicable field of employment, applicants shall
31 be rated for selection only on the basis of the results of a writ-
32 ten examination, and every administrative officer and employee

1 shall have civil service status.

2

3 Section 7. No prescription which is filled under the
4 authority of this Article shall provide the patient with a great-
5 er number of dosages beyond the amount to be ingested over a per-
6 iod of three days.

7

8 Section 8. Every rate of employment compensation provid-
9 ed by this Article may be increased by majority vote of the Legi-
10 slature.

11

12 Section 9. Each provision of this Article is enacted to
13 effect its purpose independently of every other provision, and
14 the invalidation of any portion of this Article shall not be con-
15 strued to compel repeal of those provisions which remain.

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Office of the Secretary of State
Edmund G. Brown Jr.

111 Capitol Mall
Sacramento, California 95814

(916) 445-6371

July 16, 1974

TO THE REGISTRARS OF VOTERS AND COUNTY CLERKS:

Pursuant to Section 3507 of the Elections Code, there is transmitted herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

NARCOTICS AND DANGEROUS DRUGS.
INITIATIVE CONSTITUTIONAL AMENDMENT.

Circulating and Filing Schedule:

1. Minimum number of signatures required 520,806
Constitution IV, 22(b).
2. Official Summary Date 7/16/74
Elections Code Section 3507.
3. Petition Sections:
 - a. First day Proponent can circulate Sections for
signatures. 7/16/74
Elections Code Section 3507.
 - b. Proponent may file petition sections with the Registrar of
Voters at any time, and at as many times as he wishes during
the 150 day period. The Registrar of Voters must determine
within 30 days of any filing the number of qualified electors
who have signed the petition.
Elections Code Section 3520(a)(b).
 - c. Each Registrar of Voters where Proponents have filed any
section of the petition shall transmit his Certificate to
the Secretary of State. The Certificate is to show the num-
ber of valid signatures determined as of that date. The
following are the dates on which the Certificates must be
sent to the Secretary of State:
Elections Code Section 3520(c).

60 Day.	9/16/74*
90 Day.	10/15/74*
120 Day.	11/13/74
140 Day.	12/3/74

*date adjusted for official deadline which falls on a
Saturday, Sunday or Holiday.
Code of Civil Procedures, Section 12.

3. Petition Sections (continued)

- d. Last day Proponent can circulate and file with the County 12/13/74
Elections Code Sections 3507, 3520(a).
- e. Last day for County to transmit Certificate as to number of valid signatures on Initiative Petition 1/10/75
Elections Code Section 3520(c).

4. Campaign Statements

- a. If the measure qualifies for the ballot:
Last day for Proponent to file a Statement of Receipts and Expenditures for period ending 2/7/75. 2/14/75
(If the Secretary of State qualified the measure for the ballot on a date other than 1/10/75, the last day is the 35th calendar day after the date the measure qualified.)
Elections Code Section 11552(a).
- b. If the measure does not qualify for the ballot:
Last day for Proponent to file a Statement of Receipts and Expenditures for period ending 1/10/75 1/17/75
Elections Code Section 11552(b).

5. The Proponents of the above measure is:

Mr. Patrick H. O'Shaughnessy
76 Third Street, No. 725
San Francisco, California 94103

Ms. Bunny Roth
317 Tenth Street
San Francisco, California



PHILLIP J. MENDES
Chief, Elections Division

PJM:msl

NOTE TO PROPONENT: Your attention is directed to Elections Code Sections 3500.1, 3502, and 3502.5 for appropriate format and type considerations in printing, typing or otherwise preparing your initiative petition for circulation and signing.

RECORD OF INITIATIVE, REFERENDUM, RECALL PETITIONS
PROPOSED FOR DIRECT VOTE OF ELECTORS

Title: <u>NARCOTICS AND DANGEROUS DRUGS</u>		Number Signatures Required <u>520,806</u>
Official Title and Summary Date <u>7-16-74</u>	Date (Not) Qualified For _____ Election	Number Signatures Certified _____

[illegible]

[illegible]

County	60 DAY			90 DAY			120 DAY			140 DAY			180 DAY			TOTAL SIG.
	Number	Date	Filed	Number	Date	Filed	Number	Date	Filed	Number	Date	Filed	Number	Date	Filed	
San Joaquin	5	10/15	10/16	2	10/15	10/16										
San Luis Ob.																
San Mateo																
Santa Barbara																
Santa Clara																
Santa Cruz																
Shasta																
Sierra																
Siskiyou																
Solano																
Sonoma																
Stanislaus																
Sutter																
Tehama																
Trinity																
Tulare																
Tuolumne																
Ventura																
Yolo																
Yuba																
SIGNATURES																
SUB-TOTAL																